

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SARIF BIOMEDICAL LLC,

Plaintiff,

v.

BRAINLAB, INC.; BRAINLAB AG;  
BRAINLAB MEDIZINISHE  
COMPUTERSYSTEME GMBH; VARIAN  
MEDICAL SYSTEMS, INC.,

Defendants.

C.A. No.

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff Sarif Biomedical LLC (“Sarif”) alleges as follows:

**PARTIES**

1. Sarif is a limited liability company organized under the laws of the Delaware, having its principal offices at 2820 Lynn Dell Drive, Tool, Texas 75143.

2. On information and belief, Defendant Brainlab, Inc. is a Delaware corporation with its principal place of business located at 3 Westbrook Corporate Center, Suite 400, Westchester, Illinois 60154. Brainlab, Inc. may be served via its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. On information and belief, Defendant Brainlab AG is a German corporation with its principal place of business at Kapellenstraße 12, 85622 Feldkirchen, Germany that markets and promotes its products in the United States, including in this District.

4. On information and belief, Defendant Brainlab Medizinische Computersysteme GmbH is a German corporation with its principal place of business at Kapellenstraße 12, 85622 Feldkirchen, Germany that markets and promotes its products in the United States, including in this District.

5. On information and belief, Varian Medical Systems, Inc. (“Varian”) is a Delaware corporation with its principal place of business at 3100 Hansen Way, Palo Alto, California 94304. Varian may be served via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

6. Brainlab, Inc., Brainlab AG, and Brainlab Medizinische Computersysteme GmbH are collectively referred to as “Brainlab.”

7. Brainlab and Varian are collectively referred to as “Defendants.”

### **JURISDICTION AND VENUE**

8. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because Defendants are subject to personal jurisdiction in this District, have committed acts of patent infringement in this District, or have regular and established places of business in this District.

### **COUNT I** **(Infringement of U.S. Patent No. 5,755,725)**

10. Sarif is the owner by assignment of United States Patent No. 5,755,725 (“the ’725 patent”), entitled “Computer-Assisted Microsurgery Methods and Equipment.” The ’725 patent issued on May 26, 1998. A true and correct copy of the ’725 patent is attached hereto as Exhibit A.

11. On information and belief, Defendants have been and are directly infringing (literally and under the doctrine of equivalents) at least claim 1 of the ’725 patent in this District and throughout the United States by, among other things, making, using, selling, offering to sell,

or importing installations for computer-assisted microsurgery, including, but not limited to the Novalis Tx Radiosurgery platform and TrueBeam STx platform. To the extent that facts learned in discovery show that Defendants' infringement of the '725 patent is or has been willful, Sarif reserves the right to request such a finding at the time of trial.

12. As a result of Defendants' infringement of the '725 patent, Sarif has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

13. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '725 patent, Sarif will suffer irreparable harm.

#### **PRAYER FOR RELIEF**

Sarif prays for the following relief:

1. A judgment that Defendants have infringed (either literally or under the doctrine of equivalents), directly or indirectly, one or more claims of the '725 patent;
2. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing the '725 patent;
3. An award of damages resulting from Defendants' acts of infringement in accordance with 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Sarif its reasonable attorneys' fees against Defendants;

5. A judgment and order requiring Defendants to provide an accounting and to pay supplemental damages to Sarif, including without limitation, pre-judgment and post-judgment interest; and

6. Any and all other relief to which Sarif may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Sarif demands a trial by jury on all issues so triable.

May 14, 2013

BAYARD, P.A.

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